
HOUSE BILL No. 1144

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-7-2; IC 12-17.2-2-8.

Synopsis: Regulation of child care homes. Amends the definition of "child care home" to include a residential structure where at least one child who is unrelated to the provider is cared for under certain circumstances. Removes provisions exempting from licensure a child care home where children who are related to the provider are cared for. (The introduced version of this bill was prepared by the board for the coordination of child care regulation.)

Effective: July 1, 2003.

Crawford

January 7, 2003, read first time and referred to Committee on Public Health.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1144

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-7-2-28.6 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 28.6. (a) "Child care
3 home", for purposes of IC 12-17.2, means a residential structure in
4 which **a provider:**

5 **(1) at any time cares for at least six (6) children (not including**
6 **the children for whom the provider is a parent, stepparent,**
7 **guardian, custodian, or other relative) at any time receive child**
8 **care from a provider one (1) child who is not related to the**
9 **provider:**

10 **(1) (A) while the child is unattended by a parent, legal**
11 **guardian, or custodian;**

12 **(2) (B) for regular compensation; and**

13 **(3) (C) for more than four (4) hours but less than twenty-four**
14 **(24) hours in each of ten (10) consecutive days per year;**
15 **excluding intervening Saturdays, Sundays, and holidays: per**
16 **day; and**

17 **(2) receives regular compensation for providing child care not**



less than twenty (20) hours per week in each of two (2) consecutive weeks per year.

(b) The term includes:

- (1) a class I child care home; and
- (2) a class II child care home.

SECTION 2. IC 12-7-2-33.7, AS AMENDED BY P.L.247-2001, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 33.7. ~~(a) As used in this chapter,~~ "Class I child care home" means a child care home that serves any combination of full-time and part-time children, not to exceed at any one (1) time twelve (12) children plus three (3) children during the school year only who are enrolled in at least grade 1. Except as provided in IC 12-17.2-5-6.3(b), the addition of three (3) school age children may not occur during a break in the school year that exceeds four (4) weeks.

~~(b) A child:~~

- ~~(1) for whom a provider of care in the child care home is a parent, stepparent, guardian, custodian, or other relative; and~~
- ~~(2) who is at least seven (7) years of age;~~

~~shall not be counted in determining whether the child care home is within the limit set forth in subsection (a):~~

SECTION 3. IC 12-7-2-33.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 33.8. ~~(a) As used in this chapter,~~ "Class II child care home" means a child care home that serves more than twelve (12) children but not more than any combination of sixteen (16) full-time and part-time children at any one (1) time.

~~(b) A child:~~

- ~~(1) for whom a provider of care in the child care home is a parent, stepparent, guardian, custodian, or other relative; and~~
- ~~(2) who is at least seven (7) years of age;~~

~~shall not be counted in determining whether the child care home is within the limit set forth in subsection (a):~~

SECTION 4. IC 12-17.2-2-8, AS AMENDED BY P.L.50-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. The division shall exempt from licensure the following programs:

- (1) A program for children enrolled in grades kindergarten through 12 that is operated by the department of education or a public or private school.
- (2) A program for children who become at least three (3) years of age as of December 1 of a particular school year (as defined in IC 20-10.1-2-1) that is operated by the department of education or a public or private school.

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(3) A nonresidential program for a child that provides child care for less than four (4) hours a day.

(4) A recreation program for children that operates for not more than ninety (90) days in a calendar year.

(5) A program whose primary purpose is to provide social, recreational, or religious activities for school age children, such as scouting, boys club, girls club, sports, or the arts.

(6) A program operated to serve migrant children that:

(A) provides services for children from migrant worker families; and

(B) is operated during a single period of less than one hundred twenty (120) consecutive days during a calendar year.

(7) A child care ministry registered under IC 12-17.2-6.

(8) A child care ~~home~~ **program operated in a residential structure** if the ~~provider~~ **person that operates the child care program**:

(A) does not receive regular compensation;

(B) cares only for children who are related to the ~~provider~~

~~(C) cares for less than six (6) children, not including children for whom the provider is a parent, stepparent, guardian, custodian, or other relative;~~ **person; or**

~~(D)~~ **(C) operates to serve migrant children.**

(9) A child care program operated by a public or private secondary school that:

(A) provides day care on the school premises for children of a student or an employee of the school;

(B) complies with health, safety, and sanitation standards as determined by the division under section 4 of this chapter for child care centers or in accordance with a variance or waiver of a rule governing child care centers approved by the division under section 10 of this chapter; and

(C) substantially complies with the fire and life safety rules as determined by the state fire marshal under rules adopted by the division under section 4 of this chapter for child care centers or in accordance with a variance or waiver of a rule governing child care centers approved by the division under section 10 of this chapter.

(10) A school age child care program (commonly referred to as a latch key program) established under IC 20-5-2-1.5 that is operated by:

(A) the department of education;

(B) a public or private school; or

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- 1 (C) a public or private organization under a written contract
- 2 with:
- 3 (i) the department of education; or
- 4 (ii) a public or private school.

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